

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P802740/WO/1	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/DE2004/001283	International filing date (day/month/year) 19.06.2004	Priority date (day/month/year) 27.06.2003
International Patent Classification (IPC) or national classification and IPC		
Applicant MTU AERO ENGINES GMBH		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>																									
<p>4. This report contains indications relating to the following items:</p> <table><tr><td><input checked="" type="checkbox"/></td><td>Box No. I</td><td>Basis of the report</td></tr><tr><td><input type="checkbox"/></td><td>Box No. II</td><td>Priority</td></tr><tr><td><input type="checkbox"/></td><td>Box No. III</td><td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td></tr><tr><td><input type="checkbox"/></td><td>Box No. IV</td><td>Lack of unity of invention</td></tr><tr><td><input checked="" type="checkbox"/></td><td>Box No. V</td><td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VI</td><td>Certain documents cited</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VII</td><td>Certain defects in the international application</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VIII</td><td>Certain observations on the international application</td></tr></table>		<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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Date of submission of the demand	Date of completion of this report																								
Name and mailing address of the IPEA/EP	Authorized officer																								
Facsimile No.	Telephone No.																								

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/DE2004/001283

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

- ☐ the international application as originally filed/furnished

- ☒ the description:

pages 1-6 as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

- ☒ the claims:

nos. _____ as originally filed/furnished

nos.* _____ as amended (together with any statement) under Article 19

nos.* 2-8, 10-16 received by this Authority on 26.04.2005 with letter of 26.04.2005

nos.* 1, 9 received by this Authority on 08.09.2005 with letter of 02.09.2005

- ☒ the drawings:

sheets 1/2, 2/2 as originally filed/furnished

sheets* _____ received by this Authority on _____

sheets* _____ received by this Authority on _____

- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (specify): _____

☐ any table(s) related to sequence listing (specify): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages _____

☐ the claims, nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (specify): _____

☐ any table(s) related to sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/DE2004/001283

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	<u>2, 4, 5, 10, 12</u>	YES
	Claims	<u>1, 3, 6-9, 11, 13-16</u>	NO
Inventive step (IS)	Claims	<u></u>	YES
	Claims	<u>2, 4, 5, 10, 12</u>	NO
Industrial applicability (IA)	Claims	<u>1-16</u>	YES
	Claims	<u></u>	NO

2. Citations and explanations (Rule 70.7)

This report makes reference to the following documents:

D1: GB 1 226 639 A (ARMCO STEEL CORPORATION)

31 March 1971 (1971-03-31)

D2: GB 2 035 288 A (FERRO CORP) 18 June 1980

(1980-06-18)

D3: US 4 347 085 A (HASELKORN MICHAEL H ET AL)

31 August 1982 (1982-08-31)

D4: GB 123 773 A (LUCAS OWEN DAVID) 13 March 1919

(1919-03-13)

D5: US 3 149 001 A (WALLACE PAUL F)

15 September 1964 (1964-09-15)

D6 was not indicated in the international search report. A copy of the document is attached.

D6: K. Maskal, D. White: Vitreous Enamelling.

Guide to Modern Enamelling Practice, Pergamon
Materials Engineering Practice Series, GB,
Pergamon Press, 1986

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**Novelty**

- (1) The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claims 1, 3, 6-9, 11 and 13-16 is not novel within the meaning of PCT Article 33(2).

D6 discloses (see D6, pages 20-27, tables 2.6 and 2.10):

a process for producing a protective layer, characterized in that:

- a) a coating material (base layer. see D6, table 2.6) is provided, wherein the coating material is a silicate mixed with particles,
- b) a layer of the coating material is applied to a component to be protected,
- c) a second coating material (cover layer, see D6, table 2.10, composition A) is provided, wherein the second coating material is a phosphate mixed with particles,
- d) a layer of the second coating material is applied to the component to be protected,
- e) the applied coating layer or each applied coating layer is converted into a glass layer.

Therefore, the subject matter of claims 1, 3, 6-9, 11 and 13-16 is not novel within the meaning of PCT Article 33(2).

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PCT/DE2004/001283

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

Inventive step

- (2) Dependent claims 2, 4, 5, 10 and 12 do not contain any features which, in combination with the features of any claim to which they refer back, meet the PCT requirements for inventive step (PCT Article 33(3) (see D1-D5 and the corresponding passages indicated in the search report)).

Industrial applicability

- (3) The subject matter of claims 1-16 is industrially applicable (coating process) within the meaning of PCT Article 33(4).